

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Eduardo Estrada-Chable,)	C/A No. 1:19-725-JFA-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Bureau of Prisons,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner is a federal prisoner housed at the Federal Correctional Institution in Salters, South Carolina. He brings this action seeking mandamus relief pursuant to 28 U.S.C. § 1361. Specifically, he contends that the Bureau of Prison's delayed implementation of the First Step Act's good time credit provision violates his due process rights.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the petition should be dismissed because the petitioner has failed to bring his paperwork into proper form for evaluation. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge issued two separate orders advising the petitioner of his need to complete and sign a proper § 2241 petition and to pay the filing fee or file an application to proceed *in forma pauperis*. The Magistrate Judge also advised the petitioner in those orders (ECF Nos. 5, 8) that failure to comply with the court's orders may subject the case to dismissal. Petitioner did not respond to either order. In addition, a review of the docket reveals that none of the documents mailed to the petitioner by the Clerk of Court have been returned by the U.S. Postmaster, nor has the petitioner notified the Clerk of any address change as of the date of this order.


The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 7, 2019. However, the petitioner did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge suggests that the action should be dismissed without prejudice for failure to prosecute in accordance with Rule 41 of the Federal Rules of Civil Procedure.

After a careful review of the record, the applicable law, and the Report and

Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive style.

Joseph F. Anderson, Jr.
United States District Judge

May 29, 2019
Columbia, South Carolina